



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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July 25, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum #11052

TO: All County Clerks/Registrars of Voters and Proponent

FROM:


Katherine Montgomery
Initiative Program Manager

RE: Referendum: 1491, Related to Education

Pursuant to Elections Code section 9006 (c), we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed referendum measure entitled:

**REFERENDUM TO OVERTURN
NON-DISCRIMINATION REQUIREMENTS FOR SCHOOL INSTRUCTION.**

The proponent of the above-named measure is:

Paulo E. Sibaja
660 J Street, Suite 250
Sacramento, CA 95814

(909) 996-9391

#1491

**REFERENDUM TO OVERTURN
NON-DISCRIMINATION REQUIREMENTS FOR SCHOOL INSTRUCTION.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 504,760
Cal. Const., art. II, § 9(b)

2. Enactment Date:..... Thursday, 07/14/11
SB 48 (Chapter 81, Statutes of 2011)

3. Official Summary Date:..... Monday, 07/25/11
(Elections Code § 336)

4. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elections Code § 9014)..... Monday, 07/25/11

 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time
within each county within 90 days of the
enactment date (Elections Code § 9014). Wednesday, 10/12/11

 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elections Code § 9030(b))..... Monday, 10/24/11

(If the Proponent files the petition with the county on a date prior to
10/12/11, the county has eight working days from the filing of the petition
to determine the total number of signatures affixed to the petition and to
transmit the total to the Secretary of State) (Elections Code § 9030(b).)

 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the counties (Elections Code § 9030(c))..... Wednesday, 11/02/11*

 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(Elections Code §§ 9030(d) & (e))..... Monday, 12/19/11

* Date varies based on the date of county receipt.

REFERENDUM #1491
Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 11/02/11, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elections Code §§ 9030(d) & (e).)

- f. If the signature count is more than 555,236 or less than 479,522 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 479,522 and 555,236 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f) & (g); 9031(a)).....Thursday, 12/29/11*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elections Code §§ 9031(b) & (c)).....Tuesday, 02/14/12

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 12/29/11, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elections Code §§ 9031(b) & (c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elections Code §§ 9031(d), 9033)...Saturday, 02/18/12*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative, referendum or recall petitions for any purpose other than to qualify the measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code § 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code §§ 100, 101, 104, 9008, 9009, 9010, 9011, 9013, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Please refer to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative or referendum which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



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July 25, 2011

FILED
In the office of the Secretary of State
of the State of California

The Honorable Debra Bowen
Secretary of State
Office of the Secretary of State
1500 11th Street, 6th Floor
Sacramento, CA 95814

VIA EMAIL
JUL 25 2011 5:10pm

Debra Bowen, Secretary of State
By 
Deputy Secretary of State

Attention: Ms. Katherine Montgomery
Elections Analyst

Dear Secretary Bowen:

Pursuant to Elections Code section 9004, you are hereby notified that on this day we sent our title and summary for the following proposed referendum to the proponent:

- 11-0023, Referendum of SB 48

A copy of that title and summary and text of the proposed referendum is enclosed. Please contact me if you have questions.

Sincerely,

DAWN L. MCFARLAND
Acting Initiative Coordinator

For KAMALA D. HARRIS
Attorney General

DLM:

cc: Paulo E. Sibaja, Proponent
Capitol Resource Institute

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

REFERENDUM TO OVERTURN NON-DISCRIMINATION REQUIREMENTS FOR SCHOOL INSTRUCTION. If signed by the required number of registered voters and filed with the Secretary of State, this petition will place on the statewide ballot a challenge to a state law previously approved by the Legislature and Governor. The law must then be approved by a majority of voters at the next statewide election to go into effect. The law would require school instructional materials to recognize societal contributions of various groups; and would prohibit school instructional materials that reflect adversely on persons based on their ethnicity, gender, sexual orientation and other characteristics. (11-0023.)

July 14, 2011

VIA PERSONAL DELIVERY

RECEIVED

JUL 15 2011

The Honorable Kamala D. Harris, Attorney General
1300 I Street, 17th Floor, P.O. Box 944255
Sacramento, CA 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Dawn McFarland, Initiative Coordinator

Re: Request for Title and Summary for Proposed Referendum

Dear Ms. Harris:

Pursuant to Article II, §10(d) of the California Constitution, I hereby respectfully submit the attached proposed statewide referendum of Senate Bill 48 (Chapter 81, Statutes of 2011) to your office and request that you prepare a title and summary of the measure as provided by law. Included with this submission is the required proponent affidavit signed by the proponent of this measure pursuant to California Elections Code §9608. My address as a registered voter is attached to this letter, along with a check for two hundred dollars (\$200.00).

All inquires or correspondence relative to this initiative should be directed to Capitol Resource Institute, 660 J St., Suite 250, Sacramento, CA 95814, (909) 996-9391, attention: Paulo Sibaja.

Please do not hesitate to call should you have any questions.

Very truly yours,



Paulo E. Sibaja, Proponent

- Enclosures: 1. Proposed Referendum Statute
2. Affidavit

REFERENDUM AGAINST AN ACT PASSED BY THE CALIFORNIA LEGISLATURE

The law proposed by Chapter 81, Statutes of 2011 (Senate Bill 48), is submitted to the People of the State of California as a referendum in accordance with the provisions of Article II, §9 of the California Constitution.

PROPOSED LAW CHAPTER 81

An act to amend Sections 51204.5, 51500, 51501, 60040, and 60044 of the Education Code, relating to instruction.

SECTION 1. Section 51204.5 of the Education Code is amended to read:

51204.5. Instruction in social sciences shall include the early history of California and a study of the role and contributions of both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups, to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society.

SEC. 2. Section 51500 of the Education Code is amended to read: 51500. A teacher shall not give instruction and a school district shall not sponsor any activity that promotes a discriminatory bias on the basis of race or ethnicity, gender, religion, disability, nationality, sexual orientation, or because of a characteristic listed in Section 220.

SEC. 3. Section 51501 of the Education Code is amended to read: 51501. The state board and any governing board shall not adopt any textbooks or other instructional materials for use in the public schools that contain any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, sexual orientation, or because of a characteristic listed in Section 220.

SEC. 4. Section 60040 of the Education Code is amended to read: 60040. When adopting instructional materials for use in the schools, governing boards shall include only instructional materials which, in their determination, accurately portray the cultural and racial diversity of our society, including:

(a) The contributions of both men and women in all types of roles, including professional, vocational, and executive roles.

(b) The role and contributions of Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the total development of California and the United States.

(c) The role and contributions of the entrepreneur and labor in the total development of California and the United States.

SEC. 5. Section 60044 of the Education Code is amended to read:

60044. A governing board shall not adopt any instructional materials for use in the schools that, in its determination, contain:

(a) Any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, sexual orientation, occupation, or because of a characteristic listed in Section 220.

(b) Any sectarian or denominational doctrine or propaganda contrary to law.

SEC. 6. It is the intent of the Legislature that alternative and charter schools take notice of the provisions of this act in light of Section 235 of the Education Code, which prohibits discrimination on the basis of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or other specified characteristics in any aspect of the operation of alternative and charter schools.